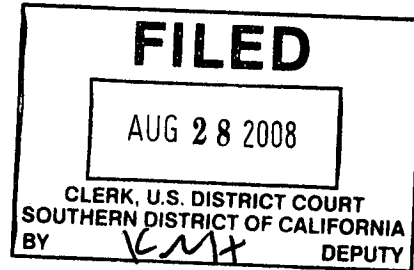


**NUNC PRO TUNC**

AUG 25 2008



Lantz Arnell  
1516 Glorietta Blvd.  
Coronado, CA 92118  
(619) 435-4064

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

LANTZ E. ARNELL

Plaintiff

v.

JACK LIEB, ESQ. , AND ASSOC.,  
JUDGE W. MCADAM, ET AL.

Defendants

Case No. 08-cv-00441-LAB-RBB

Exhibits in support of Plaintiff's  
NOTICED Motion for Discovery  
Conference.

Date: Sept. 29, 2008  
Time: 10:00 AM.  
Court Rm. B (1<sup>st</sup> floor)  
Judge: Honorable Ruben B.  
Brooks

Pursuant to FRCP Rule 26(f), plaintiff files Exhibits 1 and 2 referred to on  
p. 3, line 22 of the motion. Exhibit 1 is a letter from defendant's counsel, Cheryl

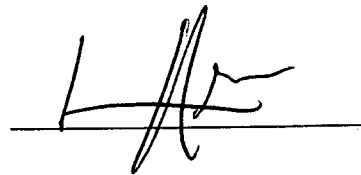
CR

1 Brierton dated May 14, 2008. Exhibit 2 contains a letter from plaintiff to Ms.  
2 Brierton dated 8/15/08 and Ms Brierton's response dated 8/21/08. Opposing  
3 counsel's refusal to meet and confer is well documented over a three month  
4 period.

5  
6 Respectfully,

7 Lantz Arnell, MD

8  
9 8/22/08

A handwritten signature in black ink, appearing to read 'Lantz Arnell', is written over a horizontal line.

***Exhibit 1***



## Superior Court of California County of San Diego

CENTRAL COURTHOUSE  
220 W. BROADWAY  
PO BOX 120128  
SAN DIEGO CA 92112-0128

May 14, 2008

Lantz Arnell, MD  
1516 Glorietta Blvd  
Coronado, CA 92118

Ref: *Arnell v. Jack Lieb Esq. et al.* (So Dist. Cal.) 08-cv-00441-LAB-RBB

Dear Mr. Arnell:

I received your letter dated April 21, 2008, in which you expressed your desire to meet with me or with Court Counsel Darlene Dornan. Neither Ms. Dornan nor I are available to meet with you concerning this case.

As you know, Defendant Judge William McAdam's motion to dismiss with prejudice is set for hearing at 11:15 a.m. on June 16, 2008, before the Honorable Larry A. Burns, District Court Judge. Since Judge Burns will likely grant this motion, a meeting would serve no productive purpose.

As I mentioned to you in our telephone conversation, you are free to call me if you wish to notify me of a dismissal filed on your own, or similar appropriate resolution of this case.

Sincerely,

Cheryl L. Brierton  
Litigation Attorney

cc: All parties

*Exhibit 2*

LANTZ ARNELL, MD  
1516 GLORIETTA BLVD.  
CORONADO, CA 92118  
(619) 435-4064

8/15/08

Ms Cheryl Brierton, Lead Counsel for Judge William McAdam  
220 W. Broadway  
San Diego, CA 92101

Regarding 08-cv-00441

Ms. Brierton:

As you know, plaintiff is moving this case forward. It is difficult but not impossible to move the case forward when you refuse to discuss the merits of the case or actually meet and confer. You are under legal obligation to participate in good faith in the framing of a discovery plan.

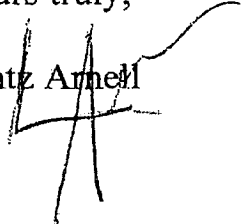
As you are aware, I have asked to meet and confer with you several times and you have refused. Our telephone conversations have not been fruitful. I've spoken with Ms. Dornan and your clerk. You haven't returned those telephone calls.

In general, plaintiff will request court and hospital records. We are attempting to obtain other evidence which can independently corroborate our case against Mr. Lieb and others. Your client will receive interrogatories and we will conduct depositions. We will identify expert witnesses as they become necessary. You will be notified regarding deposition dates and places.

We sincerely regret your decision to avoid the meet and confer requirement of these proceedings. Thank you in advance for your consideration of these matters.

Yours truly,

Lantz Arnell





SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO

SAN DIEGO COUNTY COURTHOUSE  
220 W. BROADWAY  
PO BOX 120128  
SAN DIEGO, CA 92101

August 21, 2008

Lantz Arnell, M.D.  
1516 Glorietta Blvd.  
Coronado, CA 92118

Ref: *Arnell v. Judge McAdam et al* (Dist. Ct., So. Dist. Cal., 08-cv-00441)

Dear Mr. Arnell:

I received your letter dated August 15, 2008, concerning your desire to conduct discovery in the above-referenced matter, while the motion to dismiss with prejudice the Honorable William McAdam, Judge of the Superior Court of California, County of San Diego, is under submission before the Honorable Larry Alan Burns, U.S. District Judge.

We do not believe that it would be an appropriate use of the parties' limited resources to engage in discovery while Judge McAdam's dismissal motion is still pending, particularly as the federal court is likely to rule on the motion before long.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl L. Brierton".

Cheryl L. Brierton  
Litigation Attorney

3D-8

CASE NAME:

ANRELL v. LIEB AND LIEB ET. AL.

CASE NUMBER:

08-cv-441 (LAB) (RBB)

NOTICE TO PARTIES: A copy of this document must be mailed or personally delivered to the other party or parties to this appeal. A PARTY TO THE APPEAL MAY NOT PERFORM THE MAILING OR DELIVERY HIMSELF OR HERSELF. A person who is at least 18 years old and is not a party to this appeal must complete the information below and mail (by first-class mail, postage prepaid) or personally deliver the front and back of this document. When the front and back of this document have been completed and a copy mailed or personally delivered, the original may then be filed with the court.

## PROOF OF SERVICE

☐ Mail ☒ Personal Service

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My residence or business address is (specify): 416 "B" Avenue, Coronado, CA 92118
3. I mailed or personally delivered a copy of the *Notice of Appeal/Cross-Appeal (Unlimited Civil Case)* as follows (complete either a or b):
  - a. ☐ Mail. I am a resident of or employed in the county where the mailing occurred.
    - (1) I enclosed a copy in an envelope and
      - (a) ☐ deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
      - (b) ☐ placed the envelope for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
    - (2) The envelope was addressed and mailed as follows:
      - (a) Name of person served:
      - (b) Address on envelope:
      - (c) Date of mailing:
      - (d) Place of mailing (city and state):
  - b. ☒ Personal delivery. I personally delivered a copy as follows: **EXHIBITS FOR MOTION FOR DISCOVERY**
    - (1) Name of person served: **Monica**
    - (2) Address where delivered: **220 W. Broadway  
San Diego, CA 92101  
ATTN: Cheryl Brierton, ESQ**
    - (3) Date delivered: **8-22-08**
    - (4) Time delivered: **2:30**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 8-25-08

Maggie Santamaria  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF DECLARANT)